



**STATE OF TENNESSEE  
DEPARTMENT OF HUMAN SERVICES**

CITIZENS PLAZA BUILDING  
400 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-1403

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**BILL HASLAM**  
GOVERNOR

**RAQUEL HATTER, MSW, Ed.D.**  
COMMISSIONER

**Certified Mail - Return Receipt Requested # 70153430000103003792**

July 7, 2016

Evangeline Marsland, Owner/ Director  
Tutor Mouse Learning Center Inc.  
3528 Central Pike  
Hermitage, Tennessee 37076

**RE: Notice of Termination and Disqualification of Child and Adult Care Food Program  
Agreement Number 03-47-70655-00-8**

Dear Ms. Marsland:

This letter serves as notice that the Tennessee Department of Human Services ("Department") is terminating the Child and Adult Care Food Program ("CACFP") agreement with Tutor Mouse Learning Center Inc. and Evangeline Marsland, Owner/ Director (collectively, "Institution"). The grounds for this action are the Institution's failure to correct the serious deficiencies with the Institution's CACFP and the Institution's failure to return the over-payment money due to the Department. The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the United States Department of Agriculture ("USDA") Food and Nutrition Service ("FNS") regulations at 7 C.F.R. § 226.6(c)(3)(iii)(E).

The action in this letter is based on the Institution's failure to provide the over-payment money due to the Department and the Institution's failure to provide a Corrective Action Plan that meets the requirements contained on Page 4 of Memo Code CACFP 14-2012 dated May 1, 2012. On December 21, 2015, the Department of Human Services ("Department") sent you a Notice of Serious Deficiency. The notice outlined the following: (1) CACFP applications on file had regulatory deficiencies; (2) the number of participants reported in the free, reduced-price and paid categories was incorrect; (3) the Institution reported incorrect meal counts; (4) Insufficient quantities of milk were purchased; (5) Children over two years of age were served whole milk; (6) A meal observed did not meet USDA component requirements; and (7) Meals were served outside the Institution's approved meal service time.

Evangeline Marsland, Owner/ Director  
Tutor Mouse Learning Center Inc.  
July 7, 2016

These failures resulted in the Department determining that the Institution and the Owner/Director are seriously deficient in their operation of the CACFP. **The Institution has not submitted the over-payment of \$1,759.31. A 1% interest charge per annum (\$1.47) has been added to the over-payment. To provide for the recovery of the over-payment, please remit a check payable to the Tennessee Department of Human Services in the amount of \$1760.47.**

The Institution has not paid the overpayment identified in the monitoring report issued April 14, 2015. In addition, the responsible individual was asked to complete corrective action. However, the Institution and responsible individuals failed to complete an adequate Corrective Action Plan (CAP). Accordingly, the Department determined that the Institution and the Owner/Director have failed to fully and permanently correct the serious deficiency cited in the Serious Deficiency Notice.

As a result of the Institution's failure to submit an adequate Corrective Action Plan, a Notice of Proposed Termination and Disqualification was issued March 18, 2016. The Institution did not appeal the Notice of Proposed Termination. As a result, the Institution's CACFP Provider Agreement is formally terminated as of the date of this letter and Tutor Mouse Learning Center Inc. and Evangeline Marsland, Owner/ Director are disqualified from future CACFP participation as required by the CACFP regulations at 7 C.F.R. § 226.6 (c)(3)(iii)(E).

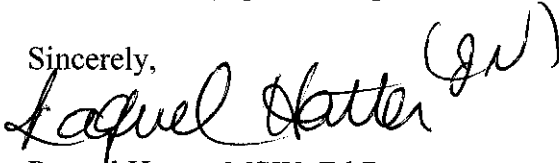
Institutions and individuals remain on the NDL until USDA's Food and Nutrition Service, in consultation with the Department, determines that the serious deficiencies have been corrected, or until seven years after their disqualification. However, if any debt relating to the serious deficiencies has not been repaid, they will remain on the NDL until the debt and any accrued interest is repaid. In accordance with 7 C.F.R. § 226.14(a), in part, the State agency must assess interest beginning May 14, 2015. For information about applied interest rates please visit the following website:

[http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical\\_rates.htm](http://www.fiscal.treasury.gov/fsreports/rpt/cvfr/historical_rates.htm)

The authorization for this action is found in Paragraph 1.e. of your FY 2014 CACFP Provider Agreement and in the CACFP regulations at 7 C.F.R. § 226.6(c)(3)(iii)(C).

If you have any questions, please feel free to contact Allette Vayda at (615) 313-3769.

Sincerely,

A handwritten signature in black ink that reads "Raquel Hatter" followed by a stylized flourish or set of initials in parentheses.

Raquel Hatter, MSW, Ed.D.  
Commissioner  
AV/ba